IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

KATHY PROSOKI-LARGE *Plaintiff,* v. ST. JOSEPH PLUMBING & HEATING and DEWAYNE LISTER *Defendants.*	)	Case No.: 5:14-cv-06091-DGK

FIRST AMENDED COMPLAINT

Plaintiff, Kathy Prososki-Large, for her claims and causes of action against Defendants St. Joseph Plumbing and Heating and Dewayne Lister ("SJPH") states and alleges as follows:

FACTS

1. This case arises under the Missouri Human Rights Act, RSMo. §213.010, et seq. ("MHRA").

2. Plaintiff Prososki-Large is an individual residing in St. Joseph, Missouri, at all times relevant herein. Plaintiff is and was at all times mentioned herein an employee of SJPH.

3. Defendant SJPH is located at 714 S. 7th Street, St. Joseph, Missouri, Buchanan County, Missouri 64501.

4. The Plaintiff worked in St. Joseph, until involuntarily terminated on approximately February 13, 2013.

5. Defendant SJPH is an "employer" as defined the Missouri Human Rights Act ("MHRA"), RSMo. §213.010, *et seq.*, and, more specifically, RSMo. §213.010(7).

6. Defendant Lister is an “employer” as defined by the MHRA, in that he was Plaintiff’s supervisor, knew of and/or authorized the discriminatory acts alleged herein.

7. As the acts of discrimination took place within Buchanan County, Missouri venue is proper in this Court under the MHRA.

8. Plaintiff filed charges of discrimination with the Missouri Commission on Human Rights within 180 days of the acts complained of and filed this Petition within 90 days after the date the Right to Sue letter was written. This action is timely and Plaintiff has exhausted all administrative prerequisites to filing this action. Copies of her Right to Sue letters are attached as Exhibits A and B.

9. Plaintiff Prososki-Large has over 14 years of experience and is a master plumber.

10. Plaintiff Prososki-Large began working for SJPH in April 2008 and remained there until April 2011.

11. She left for a period of time and later went back in May 2011until, again being laid on February 13, 2013.

12. Plaintiff was told this would be temporary until the work picked back up; she was laid off due to the lack of work.

13. On or about March 14, 2013 Plaintiff learned that SJPH received the 11.3 million dollar contract for the school district. Once schools were out for the summer and construction had started Plaintiff never received a call to go back to work.

14. Plaintiff learned that SJPH was using an apprentice to run service calls and do work at the schools. Defendant also hired a less-qualified shop hand after Plaintiff was laid off.

15. Plaintiff was passed over in favor of all men working for Defendant, including younger men with little to no experience.

16. Plaintiffs' immediate supervisor Dewayne Lister has said, "Kathy will never work in this town again."

COUNT I-SEX DISCRIMINATION IN VIOLATION OF THE MHRA

17. Plaintiff incorporates the above paragraphs herein as if set forth fully.

18. Plaintiff's MHRA claims are brought under RSMo. Sections 213.055 and 213.070.

19. Defendants' illegally terminated Plaintiff and/or failed to allow her to work because of her gender.

20. Plaintiffs suffered economic and emotional distress damages as a direct result.

21. Defendants' conduct was malicious and/or in reckless disregard for Plaintiff's rights such that she is entitled to an award of punitive damages.

WHEREFORE, Plaintiff requests that the Court grant her, pursuant to a verdict by a jury, judgment against Defendants in an amount that is fair and reasonable along with punitive damages and for their costs and attorneys' fees, and for such other relief as the Court deems just and proper. In addition, Plaintiff asks the Court to:

1. Enter judgment pursuant to a jury verdict that the acts and practices of Defendants complained of herein are violations of RSMo. §213.010 *ecat seq.*;

2. Pursuant to a jury verdict, award Plaintiff compensatory damages for emotional pain and suffering, mental anguish, and stress and other actual damages;

3. Award Plaintiff the costs of this action, including the fees and costs of any experts, along with reasonable attorneys' fees;

4. Award Plaintiff interest on any such amounts of monies awarded herein;

5. Award Plaintiff reinstatement and/or front pay.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable herein.

Respectfully Submitted,
EMPLOYEE RIGHTS LAW FIRM
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ATTORNEYS FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on October 31, 2014 via the Court's CM/ECF system to:

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